

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9<sup>th</sup> DAY OF JUNE, 2014 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele	
	M. Todd King	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Christopher A. Tuck	-Supervisor

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Adjustment & Appeals Board
  2. CPMT
  3. Parks & Recreation Commission

The vote on the foregoing motion was as follows:

AYES

Mary W. Biggs  
Gary D. Creed  
Matthew R. Gabriele  
M. Todd King  
William H. Brown

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins  
Christopher A. Tuck

ABSENT DURING MEETING

Annette S. Perkins  
Christopher A. Tuck

**Supervisor Perkins arrived at 6:45 p.m.**

**OUT OF CLOSED MEETING**

On a motion by M. Todd King, seconded by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the forgoing motion was as follows:

AYES

M. Todd King  
Matthew R. Gabriele  
Gary D. Creed  
Mary W. Biggs  
Annette S. Perkins  
William H. Brown

NAYS

None

ABSENT DURING VOTE

Christopher A. Tuck

ABSENT DURING MEETING

Christopher A. Tuck

## **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

## **VOTE**

### **AYES**

Mary W. Biggs  
M. Todd King  
Annette S. Perkins (for time present)  
Gary D. Creed  
Matthew R. Gabriele  
William H. Brown

### **NAYS**

None

### **ABSENT DURING VOTE**

Christopher A. Tuck

### **ABSENT DURING MEETING**

Christopher A. Tuck

## **INVOCATION**

A moment of silence was led by the Chair.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PRESENTATION**

### **Resolution of Appreciation to Jimmy Epperly-Fire and Rescue Commission**

The Board of Supervisors presented a Resolution of Appreciation to Jimmy Epperly for his years of service on the Fire and Rescue Commission.

## **DELEGATIONS**

### **Virginia Department of Transportation**

VDoT's Residency Administrator David Clarke provided an update on the following VDoT projects:

- Overlay and surface treatment schedule is expected to be completed by the end of this week.

- Mt. Pleasant Road (SR 639) contract has been awarded for this project. The contractor may try to finish this project by the end of the year although the contract with VDoT doesn't require completion until next spring.

- Blue Springs Road (SR 613) surface treatment should be completed by August.

- North Fork Road (SR 603) contract has been awarded and VDoT will have a preconstruction conference with the contractor tomorrow. This is the road between I-81 and US 11/460 in Elliston.

- Truss bridge in Elliston is under contract, but there is a time of year restriction because of the Roanoke River.

- Culverts to be replaced on Lick Run (SR 781) and Coal Bank Hollow (SR 649). The culvert on Coal Bank Hollow is closest to US 460 so it will be closed at that end.

Board members had questions about the following roads:

Roanoke Road on Christiansburg Mountain Supervisor Creed reported a pot hole on Roanoke Road just as you start down Christiansburg Mountain. David Clarke said he would look into it, and if the pot hole is located in the Town of Christiansburg he will notify the Town.

Boners Run (SR 609/634) Supervisor Creed asked that VDoT give some attention to Boner's Run which really needs some dust treatment.

Riner Road (Route 8) Supervisor King reported that as you are leaving Christiansburg going toward Riner on Route 8, just after the underpass, there is a sign that the right lane ends but traffic is still riding the right lane. Supervisor King asked if VDoT could paint some arrows on the road pointing to the left.

Fairview Church Road (SR 669) Supervisor King asked if someone from VDoT would go out to Fairview Church Road and see if the culverts at the low water bridge have been cleaned out.

Culverts on Coal Bank Hollow Supervisor Gabriele asked if the road closure on Coal Bank Hollow would impact access to the collection site. Mr. Clarke responded that it would not impact access to the collection site.

Hornsby Drive Supervisor Gabriele received a call recently from a citizen who resides on Hornsby Drive, located off of Radford Road (US 11) in the Plum Creek area, saying someone needs to come and take a look at the road. The caller did not identify the problem. Since this road is located in Supervisor Tuck's district, Supervisor Gabriele asked on behalf of Supervisor Tuck that VDoT look into the request.

### **Public Safety Building Update**

Ron Riquelmy, Project Manager for the Public Safety Building project, provided an update to the Board. The contractor has asked unofficially for a 17-day weather time extension due to the winter weather. This would move the substantial completion date from August 6<sup>th</sup> to August 23<sup>rd</sup>. Mr. Riquelmy's personal belief is that completion date will be November or December. He expects the Sheriff's Office will occupy the building around the beginning of 2015.

The original contract amount was \$8,135,000. To date, there has been \$550,000 in changes which brings the revised contract amount to \$8,724,000. A new line item this time is the courtyard. Gay and Neel provided an estimate for the sign work that was not previously accounted for. Overall, including the additional money for the courtyard, the Public Safety Building project is \$200,000 less than the Project Manager's last report.

The County Administrator pointed out that it was important to note that when this project was started in 2012 the estimated budget was \$14,370,000, and as of right now we're looking at a cost of approximately \$11,900,000, which is still well under where we initially thought we would be on this project.

### **PUBLIC HEARINGS**

The following public hearings were advertised pursuant to law in the "Burgs" section of the *Roanoke Times* on May 23, 2014 and June 1, 2014:

#### Proposed conveyance of a 15' easement to Atmos Energy Corporation

**Proposed conveyance of a 15' easement to Atmos Energy Corporation for a gas line across a portion of the Christiansburg Middle School** property located at 1205 Buffalo Street, N.W., Christiansburg, Virginia to provide gas service to the adjacent Wynwood Estates neighborhood.

The County Attorney explained that the proposed easement runs along the boundary line of Christiansburg Middle School. The County owns the property but the Schools are controlling it. The School Board adopted a resolution asking the Board of Supervisors to consider granting the easement; however, they asked that it be contingent upon the following conditions:

- a) the gas service to Christiansburg Middle School will not be negatively affected;

b) the gas line extension will not be installed on the school property while school is in session, and be closely coordinated with the school administration;

c) any future settlement of the ground or any ground disturbance on school property associated with the installation of the gas line be repaired to a safe, level and smooth grass surface;

d) any and all trees currently in the area of the requested easement be the responsibility of Atmos to relocate, maintain and replant as needed to be in conformance with the new easement, other adjacent utility easements, and zoning regulation buffer zone requirements;

e) the storage shed and any fencing or other appurtenances currently in the area of the requested easement be allowed to stay where they are, and if Atmos requires them to be moved at any time, that Atmos will be responsible for moving them and relocating them to a location approved by the Montgomery County Public Schools;

f) in the event the County or Montgomery County Public Schools in the future has need that requires the gas line and the easement be relocated on the property, that such relocation will be performed by Atmos at no cost to the County or Montgomery County Public Schools.

Bryan Rice, developer of the Kensington Subdivision, addressed the Board about the proposed 15' easement, stating that his development is the primary reason for the extension of the gas service. The feedback he has received from citizens who are contemplating buying a house in the subdivision believe that gas is more energy efficient, cleaner energy and better for the environment. The northern portion of the easement runs parallel to an existing water line easement that goes to the water tower.

Perry Patterson, Area Supervisor for Atmos Energy, addressed the Board about the conditions the School Board had listed. He didn't see a problem with any of the conditions, with the exception of the last one, and their interpretation of the last condition led them to believe that if the county or if the school wanted to move their service line that Atmos would also have to pick up that cost. The County Attorney responded that he did not believe that to be the case, but in order to confirm he would need to talk to the Director of Facilities for the Schools. Mr. Patterson suggested that with a little more work with some of the language, it will be completely workable.

There being no further speakers, the public hearing was closed.

#### Proposed Ordinance Amending Election Districts – Create On-Campus Voting Precincts

**Proposed Ordinance Amending Election District A, Voting Precincts A-2 and A-3, Election District E, Voting Precincts E-1 and E-3, Election District F, Voting Precinct F-1 and F-2, Election District G, Voting Precinct G-1 and creating a new F-3 Voting Precinct with the F-3 Voting Precinct Polling Place Located at the Squires Student Center, 290 College Avenue, Blacksburg, Virginia, and changing the E-3 Voting Precinct Polling Place from the Virginia Tech Montgomery Executive Airport to the Squires Student Center, 290 College Avenue, Blacksburg, Virginia in order to create two on-campus Voting Precincts E-3 and F-3 with an on-campus Polling Location for both Precincts at Squires Student Center.**

The County Attorney explained that the purpose of the ordinance is to create two on-campus Voting Precincts, E-3 and F-3, and have an on-campus Polling Location for both precincts at the Squires Student Center. If approved, the ordinance will go into effect in November.

GIS Manager Bob Pearsall reviewed the changes with the Board explaining that they didn't want to put everyone in E or F because it would have made the district too large and unbalanced, so they came up with the F-3 and E-3, two precincts at the same location.

The following speakers addressed the Board in support of the proposed ordinance: Andrew Whitley, Michael Hudson, Diane Richardson, and Brent Ashley.

Overall, the speakers believe that having the two voting precincts on campus will make it easier and more convenient for the students. They reminded the Board of Supervisors of the last election, specifically about the hard time getting the students in and out of the polling place located at the Lutheran Church on Merrimac Road. They consider the on-campus voting precincts to be a big asset.

For the record, the Chairman announced that the Board of Supervisors received a number of e-mails from citizens who support the proposed ordinance but were unable to make it to this meeting.

The County Attorney stated that the Registrar requested that the Board take action on the proposed ordinance tonight. This will give the Registrar an additional two weeks to get prepared before the next election, such as sending out voter cards, etc.

#### **ADDENDUM 1-ADD TO AGENDA**

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed and carried unanimously, the following Addendum was added to the Agenda under New Business:

##### **Proposed Ordinance Amending Election Districts-Create On-Campus Voting Precincts**

The vote on the foregoing motion was as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Matthew R. Gabriele	None	Christopher A. Tuck
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		
M. Todd King		
William H. Brown		

#### **ADDENDUM 2- ADD TO AGENDA**

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously, the following Addendum was added to the Consent Agenda:

##### **Appointment to the Adjustment and Appeals Board**

The vote on the foregoing motion was as follows:

AYES

Mary W. Biggs  
Matthew R. Gabriele  
M. Todd King  
Gary D. Creed  
Annette S. Perkins  
William H. Brown

NAYS

None

ABSENT

Christopher A. Tuck

**PUBLIC ADDRESS**

Bill Turner addressed the Board about Verizon's request for a Special Use Permit to allow a 199' telecommunications tower off of I-81 in the Riner Magisterial District. Mr. Turner stated that he lives in Ellet Valley where he gets service from a tower located off of I-81 and South Main Street. If someone in the Ellet Valley makes a service call to Verizon, it takes them 2-4 weeks to respond. Mr. Turner cannot use his cell phone inside his house, and his internet is very slow. He believes the Board of Supervisors should ask Verizon what they are doing to help their existing customers before requesting a special use permit to build another tower.

**CONSENT AGENDA**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated June 9, 2014 was approved. The vote was as follows:

AYE

Matthew R. Gabriele  
Mary W. Biggs  
Gary D. Creed  
Annette S. Perkins  
M. Todd King  
William H. Brown

NAY

None

ABSENT

Christopher A. Tuck

**R-FY-14-159**

**SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE  
AMENDING CHAPTER 2, ENTITLED ADMINISTRATION OF THE CODE OF THE  
COUNTY OF MONTGOMERY, VIRGINIA AMENDING SECTION 2-32 AND 2-33**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a Public Hearing for July 28, 2014 at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following proposed Ordinance:



An Ordinance Amending Chapter 2, Entitled Administration of the Code of the County of Montgomery, Virginia Amending Section 2-32 and 2-33 to Allow Persons Owning or Leasing a Motor Vehicle Who Previously Filed a Personal Property Tax Return to Not Be Required to File Another Return If No Change in Status and By Establishing a Monetary Civil Penalty Instead of a Criminal Violation for Failing to File a Return.

**Appropriations and Transfers**

**A-FY-14-101  
COMMONWEALTH'S ATTORNEY  
FORFEITED ASSET SHARING PROGRAM**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$232
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$232
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Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-14-102  
FIRE AND RESCUE INSURANCE  
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$7,500)
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TO:

330	Fire and Rescue	\$7,500
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Said resolution transfers appropriated funds from General Contingencies to Fire and Rescue to cover the increased cost of insurance premiums.

**A-FY-14-103**  
**MONTGOMERY-FLOYD REGIONAL LIBRARY**  
**GRANT – NATIONAL ENDOWMENT FOR THE HUMANITIES**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

710	Regional Library	\$2,572
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
710 424401	Grants

\$2,572
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Said resolution appropriates grant funds for use by the Library.

**A-FY-14-104**  
**NEW RIVER VALLEY EMERGENCY**  
**COMMUNICATIONS REGIONAL AUTHORITY**  
**RECOVERED COSTS**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

111	Regional 911 Authority	\$58,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108	Recovered Costs

\$58,000
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Said resolution appropriates monies to cover costs for the NRV Emergency Communications Regional Authority.

**A-FY-14-105**  
**SHERIFF**  
**WESTERN VIRGINIA REGIONAL JAIL**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

320 Sheriff – County \$35,000

The source of funds for the foregoing appropriation is as follows:

451203 Undesignated Fund Balance \$35,000

Said resolution appropriates funds from undesignated fund balance for the costs associated with increased usage at the regional jail.

**A-FY-14-106  
SHERIFF  
RECOVERED COSTS**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

310	Sheriff County	\$1,172
320	Sheriff County	\$5,745
321	Sheriff County	\$ 165
322	Sheriff Project Lifesaver	<u>\$ 575</u>
	Total	\$7,657

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$6,917
419104	Confiscations	\$ 165
424401	Project Lifesaver	<u>\$ 575</u>
	Total	\$7,657

Said resolution appropriates recovered costs, confiscations, and Project Lifesaver funds.

**A-FY-14-107  
TOURISM PROGRAM  
APPROPRIATE MONTGOMERY COUNTY'S PERCENTAGE OF THE  
TRANSIENT OCCUPANCY TAX**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014, for the function and in the amount as follows:

910 Regional Tourism \$36,097

The sources of funds for the foregoing appropriation are as follows:

451205	Designated Fund Balance	\$26,321
412902	Transient Occupancy Tax – 177 Corridor	8,820
412901	Transient Occupancy Tax	<u>956</u>
	Total	\$36,097

Said resolution appropriates Montgomery County's percentage of the transient occupancy tax to the Tourism Program.

**R-FY-14-160**  
**A RESOLUTION REQUESTING THE**  
**AFD ADVISORY COMMITTEE AND**  
**THE PLANNING COMMISSION TO COMMENCE**  
**THE RENEWAL PROCESS FOR AFD-14**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Agricultural and Forestal District-14 (Fisher's View), encompassing a total of 2 property owners and approximately 481.93 acres are scheduled to expire on December 31, 2014; and

WHEREAS, Section 15.2-4311 of the Code of Virginia and Section 2-152 of the Code of Montgomery County provides for the orderly review and renewal of such districts.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby directs the AFD Advisory Committee and the Planning Commission to commence the review and renewal process as hereby required by Section 15.2-4311 of the 1950 Code of Virginia, as amended, for AFD-14 and provide the Board of Supervisors with a recommendation as to the renewal of this Agricultural and Forestal District.

**Appointments**

**R-FY-14-161**  
**NRV COMMUNITY SERVICES BOARD**  
**APPOINT JOSEPH W. YOUNG, JR.**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Joseph W. Young, Jr.** to the **New River Valley Community Services Board** effective June 10, 2014 and expiring June 30, 2014

Said appointment fills the unexpired term of Neal Turner, resigned.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby reappoints **Joseph W. Young, Jr.** to the **New River Valley Community Services Board** effective July 1, 2014 and expiring June 30, 2017.

**R-FY-14-162  
APPOINTMENT  
ADJUSTMENT AND APPEALS BOARD**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **David H. Pearce** to the **Adjustment and Appeals Board** effective June 10, 2014 and expiring June 9, 2018.

**OLD BUSINESS**

**ORD-FY-14-22  
AN ORDINANCE ESTABLISHING THE MONTGOMERY COUNTY VIRGINIA  
STORMWATER ORDINANCE SECTIONS 8-70 THROUGH 8-85 OF  
THE CODE OF THE COUNTY OF MONTGOMERY BY CREATING STORMWATER  
MANAGEMENT REQUIREMENTS BY PROVIDING A FRAMEWORK FOR  
THE ADMINISTRATION, IMPLEMENTATION AND ENFORCEMENT OF  
THE PROVISIONS OF THE VIRGINIA STORMWATER ACT AND  
THE INTEGRATION OF MONTGOMERY COUNTY'S STORMWATER  
REQUIREMENTS WITH THE COUNTY'S EROSION AND SEDIMENT CONTROL,  
FLOOD INSURANCE AND FLOOD PLAIN MANAGEMENT**

On a motion by Matthew R. Gabriele, seconded by M. Todd King and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

**Sec. 8-70 PURPOSE AND AUTHORITY. (9VAC25-870-20; 62.1-44.15:27)**

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of Montgomery County and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced. This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act and delineates the procedures and requirements to be followed in connection with permits issued by the local VSMP Authority, Montgomery County.
- (b) This ordinance is adopted pursuant to Virginia Code §62.1-44.15:27, as part of an initiative to integrate Montgomery County's Stormwater requirements with its erosion and sediment control, flood insurance and flood plain management requirements into a unified stormwater program. This unified program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner.

## **Sec. 8-71 DEFINITIONS. (9VAC25-870-10)**

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

*"Administrator"* means the VSMP authority including the County staff person or department responsible for administering the VSMP on behalf of the locality. The Montgomery County Board of Supervisors hereby designates the County Administrator or their designee as the Administrator of the Virginia Stormwater Management Program.

*"Administrative Guidance Manual"* means the documentation of policies and procedures for documentation and calculations verifying compliance with the water quality and quantity requirements review and appeal of Stormwater Pollution Prevention Plans and Stormwater Management Plans, site inspections, obtaining and releasing bonds, reporting and record keeping, and compile a strategies for reviews, enforcement and long term maintenance and inspection programs.

*"Agreement in Lieu of a Stormwater Management Plan"* means a contract between the County and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the Stormwater Management Program for the construction of a single-family residence; such contract may be executed by the County in lieu of a Stormwater Management Plan.

*"Applicant"* means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

*"Best management practice"* or *"BMP"* means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

*"Common plan of development or sale"* means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

*"Control measure"* means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

*"Clean Water Act"* or *"CWA"* means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

*"County"* means County of Montgomery.

*"Department"* means the Department of Environmental Quality.

*"Development"* means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

*"General permit"* means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

*"Land disturbance"* or *"land-disturbing activity"* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 8-72 (b) of this Ordinance.

*"Layout"* means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

*"Minor modification"* means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

*"Operator"* means the owner or operator of any facility or activity subject to regulation under this Ordinance.

*"Permit"* or *"VSMP Authority Permit"* means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage if such statement is required has been provided by the Department.

*"Permittee"* means the person to whom the VSMP Authority Permit is issued.

*"Person"* means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

*"Regulations"* means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.

*"Site"* means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

*"State"* means the Commonwealth of Virginia.

*"State Board"* means the Virginia State Water Control Board.

*"State permit"* means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit, if such permit is required, or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

*"State Water Control Law"* means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

*"State waters"* means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

*"Stormwater"* means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

*"Stormwater management plan"* means a document(s) containing material describing methods for complying with the requirements of Section 8-75 of this Ordinance.

*"Stormwater Pollution Prevention Plan"* or *"SWPPP"* means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

*"Subdivision"* means the same as defined in Chapter 8, Article IV Subdivisions of the Code of the County of Montgomery, Virginia.

*"Total maximum daily load"* or *"TMDL"* means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

*"Virginia Stormwater Management Act"* or *"Act"* means Article 2.3 (§§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

*"Virginia Stormwater BMP Clearinghouse website"* means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.



*"Virginia Stormwater Management Program" or "VSMP"* means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

*"Virginia Stormwater Management Program authority" or "VSMP authority"* means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

## **Sec. 8-72 STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.**

- (a) Except as provided herein, a person shall not conduct any land-disturbing activity until he or she has submitted a permit application to the Administrator that includes a State VSMP permit registration statement if such statement is required and a Stormwater management plan or an executed agreement in lieu of a Stormwater management plan and has obtained a VSMP authority permit from the Administrator in accordance with the provisions of this Ordinance to begin land disturbance.
- (b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
  - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
  - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
  - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
  - (4) Land disturbing activities that disturb less than one acre of land area except for land disturbing activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
  - (5) Discharges to a sanitary sewer or a combined sewer system;
  - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;

- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

**Sec. 8-73 STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.**

- (a) Pursuant to §62.1-44.15:27 of the Code of Virginia, Montgomery County hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 8-70 of this Ordinance. The Montgomery County Board of Supervisors hereby designates the County Administrator or their designee as the Administrator of the Virginia Stormwater Management Program.
- (b) Pursuant to §62.1-44.15:28 7 of the Code of Virginia, the County must ensure the stormwater management plans for residential, commercial or industrial subdivisions are approved and govern the development of individual parcels within that plan, throughout the development life even if ownership changes.
- (c) Pursuant to §62.1-44.15:28 8 of the Code of Virginia, a general permit statement is not required for detached single-family home construction within or outside of common plan of development or sale with a land-disturbing activity less than five (5) acres, however such projects must adhere to the requirements of the general permit.
- (d) An agreement in lieu of a stormwater management plan may be granted by the Administrator for detached single-family home construction within or outside of common plan of development or sale with a land-disturbing activity less than five (5) acres; however such projects must comply with the requirements of the general permit.
- (e) No VSMP authority permit shall be issued by the Administrator until an executed agreement in lieu of a stormwater management plan is provided and/or the following items have been submitted to and approved by the Administrator as prescribed herein:
  - (1) A permit application that includes a general permit registration statement, if such a statement is required;
  - (2) An erosion and sediment control plan approved in accordance with the Montgomery County Erosion and Sediment Control Ordinance Chapter 8, Article III of this Code; and

- (3) A stormwater management plan that meets the requirements of Section 8-75 of this Ordinance, or an executed agreement in lieu of a plan as provided for in Section 8-73(d) of this Ordinance.
- (4) Other requirements as set forth in Section 9VAC25-880-70 of the general permit.
- (f) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained, if such permit is required.
- (g) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 8-84, are received, and a reasonable performance bond required pursuant to Section 8-85 of this Ordinance has been submitted.
- (h) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
- (i) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

**Sec. 8-74 STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.**

- (a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54, including, but not limited to, an erosion and sediment control plan, stormwater management plan, pollution prevention plan and additional control measures necessary to address a TMDL, and must also comply with the requirements and general information set forth in Section 9VAC25-880-70 of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

**Sec. 8-75 STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.**

- (a) A Stormwater Management Plan shall be developed and submitted to the VSMP Authority. The Stormwater management plan shall be implemented as approved or modified by the VSMP Authority and shall be developed in accordance with the following:
  - (1) A stormwater management plan for a land disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land

- disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.
- (2) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- (b) The Stormwater management plan shall include the following information and as required by the VSMP Permit Regulations (9VAC25-870-55) and the Administrative Guidance Manual:
- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
  - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
  - (3) A narrative that includes a description of current site conditions and final site conditions;
  - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete and a note that states the stormwater management meets the requirements set forth in the VSMP Permit Regulations (9VAC25-870-55) and the Administrative Guidance Manual;
  - (5) Information on the proposed stormwater management facilities, including:
    - (i) The type of facilities;
    - (ii) Location, including geographic coordinates;
    - (iii) Acres treated; and
    - (iv) The surface waters or karst features, if present, into which the facility will discharge.
  - (6) Hydrologic and hydraulic computations, including runoff characteristics;
  - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 8-78 of this Ordinance and the Administrative Guidance Manual.
  - (8) A map or maps of the site that depicts the topography of the site and includes:
    - (i) All contributing drainage areas;
    - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
    - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
    - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
    - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
    - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
    - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
    - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

- (c) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 8-78 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.
- (d) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional engineer, architect, surveyor or landscape architect registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
  - (1) If Agreement in lieu of a stormwater management plan is executed, a stormwater pollution prevention plan is still required; however, the Administrator may waive the requirement of the plan to be signed and sealed by a professional engineer, architect, surveyor or landscape architect registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (e) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional engineer, architect, surveyor or landscape architect registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.
  - (1) If Agreement in lieu of a stormwater management plan is executed, a construction record drawing is still required; however, the Administrator may waive the certification by a professional engineer, architect, surveyor or landscape architect registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

#### **Sec. 8-76 POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.**

- (a) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained as required by 9VAC25-870-56 to:
  - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides,

- detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
  - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

#### **Sec. 8-77 REVIEW OF STORMWATER MANAGEMENT PLAN.**

- (a) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
- (1) The Administrator shall determine the completeness of a plan in accordance with Section 8-75 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
  - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
  - (3) For plans not approved by the Administrator, all comments shall be addressed by the applicant within 180 calendar days. Plans that are not resubmitted with this time period will be subject to a new application fee.
  - (4) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
  - (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance and the Administrative Guidance Manual.
  - (6) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

(b) Approved stormwater plans may be modified as follows:

- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
- (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 8-79 (b).

#### **Sec.8-78 TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; GRANDFATHERING.**

For technical criteria, adhere to the technical criteria provisions of the Regulations as shown in subsection (a) below. Such State technical criteria or more stringent standards may be enforced through this Ordinance as amended.

- (a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-30 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; 9VAC25-870-85 [stormwater management impoundment structures or facilities], and 9VAC25-870-92 [comprehensive Stormwater management plans], which shall apply to all land disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Section 8-78 (b) of the technical criteria for regulated land disturbing activities set forth in Part II C of the Regulations, as amended including 9VAC25-870-93 through 9VAC25-870-99.
- (b) Any land-disturbing activity shall be considered grandfathered by the Administrator and shall be subject to the technical criteria of Part II C of the Regulations provided:
  - (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the Administrator to be equivalent thereto (i) was approved by the County prior to July 1, 2012., (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with Part II C technical criteria of the

- Regulations and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge and such that there is no increase in the volume or rate of runoff;
- (2) A state permit has not been issued prior to July 1, 2014, and
  - (3) Land disturbance did not commence prior to July 1, 2014.
- (c) Locality, state and federal projects shall be considered grandfathered by the Administrator and shall be subject to the technical criteria of Part II C of the Regulations provided:
- (1) There has been an obligation of locality, state or federal funding in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;
  - (2) A State permit has not been issued prior to July 1, 2014; and
  - (3) Land disturbance did not commence prior to July 1, 2014.
- (d) Land disturbing activities grandfathered under subsections (b) and (c) above shall remain subject to the technical criteria of Part II C of the Regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the State Board.
- (e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part II C of the Regulations.
- (f) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
  - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC-25-870-69 have been considered and found not available.
- (g) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.



## **Sec. 8-79 LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES**

- (a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination, if such a permit is required, or earlier as required by the Administrator and shall at a minimum:
  - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
  - (2) Be stated to run with the land;
  - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
  - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
  - (5) Be enforceable by all appropriate governmental parties.
- (b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (c) If a recorded instrument is not required pursuant to Section 8-79, the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator or any duly authorized agent of the Administrator.

## **Sec. 8-80 MONITORING AND INSPECTIONS.**

- (a) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
  - (1) Compliance with the approved erosion and sediment control plan;
  - (2) Compliance with the approved stormwater management plan;
  - (3) Development, updating, and implementation of a pollution prevention plan; and
  - (4) Development and implementation of any additional control measures necessary to address a TMDL.

- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance. In the event the Administrator, or his agent, shall be denied access to the property, the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a violation of this ordinance has occurred, request that the magistrate or court grant the Administrator an inspection warrant to enable the Administrator or agent to enter the property for the purpose of determining whether a violation of this Ordinance exists. The Administrator shall make a reasonable effort to obtain consent from the Owner or occupant of the subject property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for any person to deny the Administrator access to any property after obtaining an inspection warrant from a magistrate or a court of competent jurisdiction for the inspection of such property. Nothing herein shall be construed to authorize the Administrator to enter or inspect the interior portions of any dwelling or structure situated on such property unless that inspection be reasonably necessary and directly related to verifying the presence and character of a stormwater control mitigation system or control measure that the Owner of the property claims to be installed therein.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to §62.1-44.15:40 of the Code of Virginia, and subject to provisions therein regarding protection of specified confidential information, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance and the recorded maintenance agreement shall be conducted by the Owner and at the Owner's cost pursuant to the Locality's adopted and State Board approved inspection program, and shall occur within the minimum frequencies shown in table 8-80-1 following approval of the final construction record report for each stormwater facility.

**Table 8-80-1**

<b>BMP Classification</b>	<b>BMP Type</b>	<b>Minimum Inspection Schedule</b>	<b>Notes</b>
1	Rooftop Disconnection	Every 5 Years	Owner shall inspect and provide documentation as per the requirements found on the Virginia Stormwater BMP Clearinghouse Website and the Administrative Guidance Manual for BMPs within classification 2, 3, and 4. The County of Montgomery shall inspect all BMPs every 5 years.
1	Sheetflow to Vegetated Filter or Conserved Open Space	Every 5 Years	
1	Grass Channel	Every 5 Years	
1	Soil Amendments	Every 5 Years	
2	Permeable Pavement	Annually	
2	Infiltration	Annually	
2	Bioretention	Annually	
2	Dry Swale	Annually	
2	Wet Swale	Annually	
2	Filtering Practice	Annually	
2	Constructed Wetland	Annually	
2	Wet Pond	Annually	
2	Extended Detention	Annually	
3	Vegetated Roof	Twice per year (Spring/Fall)	
3	Rainwater Harvesting	Twice per year (Spring/Fall)	
4	Manufactured/ Other BMP	Yearly or per manufacturer recommendations, whichever is more frequent.	Owner shall inspect and provide documentation according to manufacturer's guidelines and the Administrative Guidance Manual.

- (f) The owner shall furnish to the Administrator an inspection report for BMPs within classifications 2, 3, and 4 as provided in Table 8-80-1 prepared by a qualified inspector within the timeframe listed in Table 8-80-1. This report shall include, but not be limited to, the items listed in Table 8-80-1, current photographs of the BMP, and a summary of the current BMP condition and any recommendations for improvements, if necessary.
- (g) Qualified inspection personnel include professional engineer, architect, landscape architect, or land surveyor registered in the Commonwealth of Virginia or project inspector for SWM or combined administrator for SWM who have met the certification requirements of 9VAC25-850-50.

- (h) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator pursuant to the County of Montgomery's adopted and State Board approved inspection program, and shall occur, at a minimum, at least once every five (5) years.

## **Sec. 8-81 HEARINGS**

- (a) Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the County taken without a formal hearing, or by inaction of the County, may demand in writing a formal hearing by the Building Code of Appeals causing such grievance, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- (b) The hearings held under this Section shall be conducted by the Building Code of Appeals at a regular or special meeting of the Building Code of Appeals, or by at least one member of the Building Code of Appeals designated by the Building Code of Appeals to conduct such hearings on behalf of the Building Code of Appeals at any other time and place authorized by the Building Code of Appeals.
- (c) A verbatim record of the proceedings of such hearings shall be taken and filed with the Building Code of Appeals. Depositions may be taken and read as in actions at law.
- (d) The Building Code of Appeals or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Building Code of Appeals, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

## **Sec. 8-82 APPEALS**

Appeals to decisions made by the Building Code of Appeals are subject to judicial review by the Montgomery County Circuit Court provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.

## **Sec. 8-83 ENFORCEMENT**

- (a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

- (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
- (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with the Administrative Guidance Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 8-83 (c).

- (b) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Administrative Guidance Manual.
- (c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Montgomery County Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (d) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
  - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
    - (i) No state permit registration;
    - (ii) No SWPPP;

- (iii) Incomplete SWPPP;
- (iv) SWPPP not available for review;
- (v) No approved erosion and sediment control plan;
- (vi) Failure to install stormwater BMPs or erosion and sediment controls;
- (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- (viii) Operational deficiencies;
- (ix) Failure to conduct required inspections;
- (x) Incomplete, improper, or missed inspections; and
- (xi) Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.

- (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
- (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- (4) Any civil penalties assessed by a court as a result of a summons issued by the Locality shall be paid into the treasury of Montgomery County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

- (e) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

## **Sec. 8-84 FEES**

- (a) Fees to cover costs associated with implementation of a VSMP related to a detached single-family home construction within or outside of common plan of development or sale with a land-disturbing activity less than five (5) acres. 50% of the applicable fees designated to the Administrator paid by the Applicant to the Administrator at the initial plan submittal. Prior to permit issuance, the remaining fee shall be paid by the Applicant to the Administrator.

Table 8-84A Land Disturbance Permit Fees For Detached Single-Family Home Construction Within Or Outside Of Common Plan Of Development Or Sale With A Land-Disturbing Activity Less Than Five (5) Acres

<b>Fee type</b>	<b>Total Fee</b>	<b>VSMP Authority (Administrator) portion</b>	<b>Department (DEQ) portion</b>
General / Stormwater Management - Detached Single-Family Home Construction (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$209	\$209	\$0
General / Stormwater Management - Detached Single-Family Home Construction (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$209	\$209	\$0

- (b) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall imposed in accordance with the VSMP Permit Regulations 9VAC25-870-820 and as per the fee schedule provided below in Table 8-84B. 50% of the applicable fees designated to the Administrator paid by the Applicant to the Administrator at the initial plan submittal. Prior to permit issuance, the remaining fee shall be paid by the Applicant to the Administrator. The Administrator shall on a regular basis, as agreed to by the Department, shall remit the Department portion of the fee to the Department.

Table 8-84B Land Disturbance Permit Fees for the General Permit for Discharges of Stormwater from Construction Activities

<b>Fee type</b>	<b>Total Fee</b>	<b>VSMP Authority (Administrator) portion</b>	<b>Department (DEQ) portion</b>
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$209	\$81
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$1944	\$756

General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$2,448	\$952
General/Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$3,240	\$1,260
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$4,392	\$1,708
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$6,912	\$2,688

(c) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the VSMP Permit Regulations 9VAC25-870-825 and as per the fee schedule provided below in Table 8-84C and shall be paid directly to the Administrator.

**Table 8-84C** Fees for the Modification or Transfer of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	VSMP Authority (Administrator) Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200



General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

If the general permit modifications result in changes to stormwater management plans that require additional review by Montgomery County, such reviews shall be subject to the fees set out in the VSMP Permit Regulations 9VAC25-870-825 and the fee schedules provided above. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in the VSMP Permit Regulations 9VAC25-870-820 and as per the fee schedule provided in Table 8-84B. These fees shall be paid directly to the Administrator.

- (d) The annual permit maintenance fees shall be imposed in accordance with the VSMP Permit Regulations 9VAC25-870-830 and as per the fee schedule provided below in Table 8-84D, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

Table 8-84D Annual Maintenance Fees for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	VSMP Authority (Administrator) Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50

General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to Montgomery County, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

(e) The fees set forth in Subsections (a) through (d) above, shall apply to:

- (1) All persons seeking coverage under the general permit.
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
- (4) Permit and permit coverage maintenance fees outlined under Section 8-84 (d) may apply to each general permit holder.

(f) No general permit application fees will be assessed to:

- (1) Applicants who request a permit for a detached single-family home construction within or outside of common plan of development or sale with a land-disturbing activity less than five (5) acres.
- (2) Permittees who request minor modifications to general permits as defined in Section 8-71 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.

(3) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

(g) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. Montgomery County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

#### **Sec. 8-85 Performance Bond (9VAC24-870-104.D)**

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the County Attorney and Administrators, to ensure that measures could be taken by the County at the Applicant's expense should applicant fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County takes such action upon such failure by the Applicant, the County may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Matthew R. Gabriele	None	Christopher A. Tuck
Gary D. Creed		
Annette S. Perkins		
M. Todd King		
Mary W. Biggs		
William H. Brown		

#### **ORD-FY-14-23**

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 3.328 ACRES FROM AGRICULTURAL (A1) TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT INFILL (TND-I) INCLUDING A SUP TO ALLOW SENIOR HOUSING AND FARM MARKET IN TND-1 AND AMEND THE ZONING CLASSIFICATION OF APPROXIMATELY 5.00 ACRES FROM AGRICULTURAL (A1) TO MULTIPLE FAMILY RESIDENTIAL (RM-1) BOTH REZONINGS IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E) LOCATED AT 4237 PRICES FORK RD. BLACKSBURG, VA, IDENTIFIED FURTHER AS TAX PARCEL NO. 052-A-50, PARCEL ID. NUMBER 070688**

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning and special use permit request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 3.328 acres from Agricultural (A1) to Traditional Neighborhood Development Infill (TND-I), including a Special Use Permit (SUP) in Traditional Neighborhood Development Infill (TND-I) to allow senior housing and a farm market, and 5.00 acres from Agriculture (A1) to Multiple Family Residential (RM-1) to allow multi-family residential, residential, and limited commercial uses with the following proffered conditions:

- 1) Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated March 3, 2014.
- 2) The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available.
- 3) A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
- 4) Stormwater management on the property shall be in accordance with all State and Local stormwater management standards.
- 5) The following uses will be prohibited in the TND Infill district and the RM-1 district: funeral home, cemetery, boarding or transition houses, and park and ride lot.
- 6) The applicant shall provide a trail connection at a mutually beneficial location on the eastern side of the property at the time a future trail system is identified and constructed by Montgomery County serving the property.
- 7) The applicant commits to coordinate with Montgomery County and the Virginia Department of Transportation in the future in regards to the dedication of additional right of way or easements to better facilitate pedestrian, bicycle or vehicular travel along the subject property's frontage on Prices Fork Road within the Prices Fork historic village area.
- 8) The applicant shall provide at a minimum a 5' x 14' covered bus shelter constructed of durable architecturally sound materials that will withstand continual exposure to the elements. The shelter shall be located at one of the proposed site entrances along the frontage of Prices Fork Road with the specific site to be determined at a later date. The shelter shall be completed prior to any CO's being issued in Phase II if Phase II is developed for any residential use other than senior housing or once the property is served by public transit, whichever occurs first.
- 9) Any additional building constructed in the TND Infill district as shown in Phase III will have an architectural style that is complimentary to the existing building.
- 10) Any structures located in Phase II will have a variety of exterior finishes, textures and styles that are in keeping with the Prices Fork Village Comprehensive plan principles including but not limited to masonry materials such as brick or stone, cementitious siding, and vinyl siding.

- 11) The project will incorporate the following sustainable design features:
  - a. Maximize the walkability of the property with sidewalks and pedestrian paths.
  - b. Maximize green space and limit hard paved surfaces.
  - c. Residential units will be energy efficient and will meet Energy Star certification where applicable.
- 12) Prior to site plan approval of Phase II, the applicant agrees to submit the site plan to the Montgomery County Planning Commission for their review and comment on the proposed plan's compatibility with the approved zoning. The applicant further agrees to a work session meeting with the Planning Commission to discuss the site plan.
- 13) The applicant will investigate the opportunity to work with Montgomery County to obtain Community Development Block Grant or Home Consortium funds and other types of alternative financing for the development of Phase II.
- 14) Any daycare facility proposed for the project will be fully licensed and certified to meet all required Federal, State and Local guidelines governing daycare facilities.

The subject parcel is located at 4237 Prices Fork Rd, Blacksburg, Va. and identified as Tax Parcel No. 052-A-50, (Account No. 070688) in the Prices Fork Magisterial District (District E).

The property lies in an area designated as Village Expansion in the Comprehensive Plan and Mixed Use in the Prices Fork Village Plan.

This action was commenced upon the application of Montgomery County Board of Supervisors and Taylor Hollow Management (Agent: Balzer & Associates).

This ordinance shall take effect upon adoption.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Christopher A. Tuck
Annette S. Perkins		
M. Todd King		
Mary W. Biggs		
Matthew R. Gabriele		
William H. Brown		

## **NEW BUSINESS**

### **R-FY-14-163**

#### **A RESOLUTION APPROVING THE LINE OF SIGHT EASEMENT AND MAINTENANCE AGREEMENT BETWEEN FOREST PARK OF VIRGINIA, LLC, COUNTY OF MONTGOMERY AND THE HIGHLANDS AT HUCKLEBERRY RIDGE, LLC**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Highlands at Huckleberry Ridge, LLC (“Developer”) is developing the Huckleberry Ridge residential subdivision (“Development”) off Merrimac Road in Montgomery County, Virginia; and

WHEREAS, One of the conditions to develop, the County is requiring an emergency access road; and

WHEREAS, The emergency access road in the later phase of Development will be improved by the Developer into a new public street maintained by VDOT; and

WHEREAS, To improve safety at the proposed intersection of the emergency access road (later to be public road), VDOT has requested the Developer to arrange for a line of sight easement along Merrimac Road; and

WHEREAS, Forest Park of Virginia, LLC, has agreed to grant the line of sight easement to the County with the Developer agreeing to maintain the easement area until such time as the Emergency Access Road is improved and accepted by VDOT as a public road.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Line of Sight Easement and Maintenance Agreement between Forest Park of Virginia, LLC, the County of Montgomery, Virginia and the Highlands at Huckleberry Ridge, LLC; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair, William H. Brown, to execute the Line of Sight Easement and Maintenance Agreement and accept the dedication of the Line of Sight Easement on behalf of the County of Montgomery, Virginia; and execute any other documents required to close the transaction.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Christopher A. Tuck
M. Todd King		
Mary W. Biggs		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

**A-FY-14-108**  
**SCHOOL CAPITAL PROJECTS FUND**  
**TRANSFER FROM THE PRICES FORK ELEMENTARY SCHOOL PROJECT**  
**TO THE SHAWSVILLE MIDDLE SCHOOL ANNEX DEMOLITION PROJECT**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That a transfer between projects of the School Capital Projects Fund was granted for the function and in the amount as follows:

FROM:

6616 Price's Fork Elementary School (\$159,564)

TO:

6614 Shawsville Middle School Project \$159,564

Said resolution transfers funds from the 2008 bond issuance for the Price's Fork Elementary School project to the Shawsville Middle School project for demolition of the Shawsville Middle School Annex.

The vote on the forgoing resolution was as follows:

AYE

M. Todd King  
Mary W. Biggs  
Matthew R. Gabriele  
Gary D. Creed  
Annette S. Perkins  
William H. Brown

NAY

None

ABSENT

Christopher A. Tuck

**ORD-FY-14-24**

**AN ORDINANCE AMENDING ELECTION DISTRICT A, VOTING PRECINCTS A-2 AND A-3, ELECTION DISTRICT E, VOTING PRECINCTS E-1 AND E-3, ELECTION DISTRICT F, VOTING PRECINCTS F-1 AND F-2, ELECTION DISTRICT G, VOTING PRECINCT G-1 AND CREATING A NEW F-3 VOTING PRECINCT WITH THE F-3 VOTING PRECINCT POLLING PLACE LOCATED AT SQUIRES STUDENT CENTER, 290 COLLEGE AVENUE, BLACKSBURG, VIRGINIA AND CHANGED THE E-3 VOTING PRECINCT POLLING PLACE FROM THE VIRGINIA TECH MONTGOMERY EXECUTIVE AIRPORT TO THE SQUIRES STUDENT CENTER 290 COLLEGE AVENUE BLACKSBURG, VIRGINIA IN ORDER TO CREATE TWO ON-CAMPUS VOTING PRECINCTS E-3 AND F-3 WITH AN ON CAMPUS POLLING LOCATION FOR BOTH PRECINCTS AT SQUIRES STUDENT CENTER**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that Election District A, Voting Precincts A-2 and A-3, Election District E, Voting Precincts E-1 and E-3, Election District F, Voting Precincts F-1 and F-2, Election District G, Voting Precinct G-1 and the E-3 Voting Precinct Polling Location shall be amended and reordained and the F-3 Voting Precinct and the F-3 Voting Precinct Polling Location shall be created and ordained as follows:

**ELECTION DISTRICT A (2014 ~~2011~~)**

Beginning at the most northern corner of Montgomery County; thence in a southeasterly direction along the eastern Montgomery County boundary line, said boundary line also being

Roanoke County boundary line to its intersection with Catawba Road (State Route 785); thence in a southeasterly direction along said eastern Montgomery County boundary line to the ridge line of Paris Mountain; thence in a southwesterly direction with the ridge line of Paris Mountain to a point of departure; thence in a southeasterly direction; thence westerly; thence southeasterly; thence southwesterly along said ridge line to its intersection with Taylor Hollow Road (State Route 712); thence in a southwesterly direction along said road to its intersection with Lusters Gate Road (State Route 723); thence in a southerly direction along said road to its intersection with Ellett Road (State Route 723); thence in a southeasterly direction along said road to its intersection with Jennelle Road (State ~~Route Road~~ 603); thence in a northwesterly direction along said road to its intersection with Cedar Run Road (State Route 603); thence in a northwesterly direction along said road to its intersection with the Town of Blacksburg Corporate line; thence southwesterly along said corporate line to its with intersection with Jennelle Road (State Route 642); then southwesterly along said road to its intersection with Yellow Sulphur Road (State Route 643); thence northwesterly along said road to its intersection with said Town of Blacksburg Corporate line; thence northwesterly along said corporate line; thence westerly; thence southwesterly along said corporate line to intersection Yellow Sulphur Road; thence northwesterly along said road to its intersection with South Main Street (U.S. Highway 460 Business); thence northeasterly along said street to a point of departure, said point being a southeasterly extension of Virginia Tech-Montgomery Executive Airport Runway 30; thence northwesterly along said runway extension line to a point of departure; thence in a southwesterly along a line to its intersection with Research Center Drive; thence northwesterly along said road until its intersection with Washington Street SW; thence northeasterly along said street to a point of intersection with Kent Street; thence northwesterly along said street to a point of intersection with Wall Street; with northwesterly direction along said road to its intersection with the Town of Blacksburg Corporate line and Ellett Road; thence northwesterly along said road to its intersection with Hubbard Street; thence in a westerly direction along said street to its intersection with Airport Road; thence in a northerly direction along said road to its intersection with County Club Drive; thence in a westerly direction along said drive to its intersection with an unnamed trail; thence in a southwesterly direction along said unnamed trail to its intersection with a Town of Blacksburg exercise path, also known as the Huckleberry Trail; thence in a southeasterly direction, thence northwesterly along said trail to its intersection with Tech Center Drive; thence in a northwesterly direction along said drive to its intersection with Spring Street and Southgate Drive; thence in a northeasterly direction along said street to a point of departure; thence in a northwesterly direction, said line traversing between O'Shaughnessy, Johnson, and Newman Halls (Virginia Tech buildings) to its intersection with sidewalk, said sidewalk running along the northerly portion of Newman Hall; thence in a northwesterly direction along said sidewalk to its intersection with a sidewalk, said sidewalk running along the southeasterly portion of Vewter Hall (Virginia Tech building); thence in a southeasterly direction along said sidewalk to its intersection with Wall Street; thence in a northeasterly direction along said street to its intersection with Otey Street; thence in a northwesterly direction along said street to its intersection with West Roanoke Street; thence in a northeasterly direction along said street to its intersection with Draper Road; thence in a northwesterly direction along said road to its intersection with Jackson Street; thence in a northeasterly direction along said street to its intersection with Bennett Street; thence in a northwesterly direction along said street to its intersection with Harding Avenue; thence in a northeasterly direction along said avenue to its intersection with Harding Road (State Route 785); thence in a easterly direction along said road, thence northeasterly, thence southerly, thence northeasterly along said road to its intersection with Happy Hollow Road (State Route 815), thence in a northeasterly direction along said road; thence northwesterly to its intersection with the Town of Blacksburg Corporate line; thence in a northeasterly direction along said corporate



line; thence northwesterly to its intersection with Coal Bank Hollow Road (State Route 649); ~~thence northwesterly along said corporate line, thence southwesterly~~ ~~thence in a southeasterly direction along said road~~ to its intersection with Pandapas Pond Road (U.S. Highway 460); thence in a northwesterly, thence in a westerly direction along said road to its intersection with the Montgomery County boundary line, said line also being the Giles County boundary line; thence in a northeasterly direction along said boundary line to the most northern corner of Montgomery County, the point of beginning.

#### **ELECTION DISTRICT E (2014 2011)**

Beginning at the intersection of the western boundary of the County of Montgomery and the Peppers Ferry Road (State Route 114) bridge over the New River; thence in an easterly direction with Peppers Ferry Road (State Route 114) to its intersection with the Town of Christiansburg Corporate line; thence in a northerly direction along said corporate line to its intersection with Norfolk Southern Railroad; ~~thence in a easterly direction along said railroad to its intersection with the Town of Christiansburg Corporate line;~~ thence in a northerly easterly direction along said corporate line; ~~thence in an easterly direction along said corporate line to its intersection with South Main Street (U.S. Highway 460 Business);~~ thence in a northeasterly direction along said road to the Town of Blacksburg Corporate line; ~~thence in a southerly direction along said corporate line; thence northeasterly; thence northwesterly; thence northerly along said corporate line to its intersection with Yellow Sulphur Rd; Cedar Run Road (State Route 603);~~ thence in a northwesterly direction along said road to its intersection with South Main Street (U.S. Highway 460 Business) Ellett Road; thence in a northeasterly westerly direction along said street ~~Ellett Road~~ to a point of departure being the southeasterly extension line of Virginia Tech-Montgomery Executive Airport Runway 30; thence northwesterly along said runway extension line to a point of departure; thence southwesterly along a line to its intersection with Research Center Drive; thence northwesterly along said street to its intersection with Spring Road; thence in a northerly direction along said road to its intersection with Washington Street SW; thence northeasterly along said street to a point of departure; thence in a northwesterly along a line between Virginia Tech O'Shaughnessy Hall and Johnson Hall to a point of intersection with a sidewalk; said sidewalk running between Virginia Tech Owens Hall and New Residence Hall East; thence in a northwesterly direction along said sidewalk to its intersection with Drillfield Drive; thence in a counterclockwise direction along said drive to its intersection with West Campus Drive; thence in a northwesterly direction along said drive to a point of intersection with Prices Fork Road; thence in a westerly direction along said road; thence southwesterly; thence southeasterly to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said highway to a point of departure, said point being the intersection of U.S. Highway 460 Bypass and the Huckleberry Trail; thence in a southerly direction along said trail to its intersection with an unnamed trail; thence in a southeasterly direction along said unnamed trail to its intersection with another unnamed trail; thence in a southwesterly direction along unnamed trail to its intersection with the Town of Blacksburg Corporate line; thence in a southwesterly direction along said corporate line to its intersection with Merrimac Road (State Route 657); thence in a northwesterly direction along said corporate line; thence westerly; thence northwesterly; thence easterly; thence northwesterly to its intersection with Prices Fork Road (State Route 685); thence in a westerly direction along said corporate line and Prices Fork Road to a point of departure with Prices Fork Road; thence in a northwesterly direction along said corporate line; thence westerly to its intersection with Walnut Spring Road (State Route 657); thence in a northerly direction along said corporate line to its intersection with Toms Creek; thence in a easterly direction along said corporate line, thence northerly; thence northwesterly, thence northeasterly; thence northwesterly to its intersection with an unnamed trail; thence

westerly direction along said unnamed trail; thence westerly; thence northwesterly to its point of intersection with Forest Service Road 708; thence in a northwesterly direction; thence northerly to its intersection with the northern Montgomery County boundary line, said line also being the south boundary line for Giles County; thence in a southwesterly direction along said boundary line to its intersection with a point being generally the center of the New River and the Montgomery County western boundary line; thence in a southwesterly along said boundary line; thence northeasterly, thence southerly, thence southwesterly; thence southeasterly to its intersection with Peppers Ferry Road (State Route 114), its intersection with South Main and Hubbard Streets; thence in a northwesterly direction along Hubbard Street, thence southwesterly to its intersection with Airport Road; thence in a northerly direction along said road to its intersection with County Club Drive; thence in a westerly direction along said drive to its intersection with an unnamed trail; thence in a southwesterly direction along said unnamed trail to its intersection with a Town of Blacksburg exercise path, also known as Huckleberry Trail; thence in a southeasterly direction along said exercise path; thence northwesterly to its intersection with Tech Center Drive; thence in a northwesterly direction along said drive to its intersection with Spring Street and Southgate Drive; thence in a northerly direction along said Spring Street to its intersection with Washington Street; thence in a northeasterly direction along said street to a point of departure; thence in a northwesterly direction along a line, said line traversing between O'Shaughnessy, Johnson, and Newman Halls (Virginia Tech buildings) to its intersection with a sidewalk, said sidewalk running along the northerly portion of Newman Hall (Virginia Tech building); thence in a northwesterly direction along a line traversing across Owens Hall to its intersection with Drillfield Drive; thence in a counterclockwise direction around said drive to its intersection with West Campus Drive; thence in a southeasterly direction along said drive to its intersection with Grove Lane; thence in a southwesterly direction along said lane; thence westerly; thence northwesterly direction to its intersection with Plantation (Ext) Road; thence in a southwesterly direction along said road; thence northwesterly; thence southwesterly; thence northwesterly; thence southwesterly to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said highway to a point of departure said point being the intersection of U.S. Highway 460 Bypass and the Huckleberry Trail; thence in a southeasterly direction along said trail to its point of intersection with an unnamed trail; thence in a southeasterly direction along said unnamed trail to its intersection with another unnamed trail; thence in a southwesterly direction to its point of intersection with the Town of Blacksburg Corporate line; thence in a southwesterly direction along said unnamed trail to its point of intersection with the Town of Blacksburg Corporate line; thence in a westerly direction along said unnamed trail and corporate line to its intersection with Merrimac Road (State Route 657); thence in a northwesterly direction along said corporate line; thence northerly; thence southwesterly; thence northwesterly to its intersection with Merrimac Road (State Route 657); thence in a northerly direction along said corporate line and Merrimac to a point of departure; thence easterly; thence northerly to its intersection with Prices Fork Road (State Route 685); thence westerly along said corporate line and Prices Fork Road to a point of departure; thence in a northwesterly direction along said corporate line; thence westerly to its intersection with Walnut Spring Road (State Route 657); thence in a northerly direction along said corporate line to its intersection with Toms Creek; thence in a easterly direction along said corporate line, thence northerly, thence northwesterly, thence northeasterly; then northwesterly to its intersection with an unnamed trail; thence westerly along said unnamed trail to its point of intersection with Forest Service Road 708; thence in a northerly direction along said forest service road to a point of departure; thence traversing in a southwesterly direction; thence northwesterly to its intersection with the northern Montgomery County boundary line, said line also being the south boundary line for Giles County; thence in a southwesterly direction along said boundary line to its intersection with the Pulaski County

~~boundary line and the New River; thence in a southerly direction along said boundary line and New River; thence easterly; thence westerly; thence southerly to the State Route 114 bridge, the point of beginning.~~

#### **ELECTION DISTRICT F (2014 2011)**

Beginning at the intersection of Pandapas Pond Road (U.S. Highway 460) and the Montgomery County boundary line near the crest of Brush Mountain; ~~thence in a southeasterly direction along said road; thence easterly; thence northeasterly; thence southeasterly to a point of intersection with U.S. Highway 460 Bypass; thence southwesterly direction along said highway road to a point of intersection with Toms Creek Road; thence in a southerly direction along said road to its intersection with ~~Winston Avenue; thence in a northeasterly direction along said avenue to its intersection with~~ Edge Way; thence northeasterly along said way to a point of departure; thence in a south easterly direction; thence in a northeasterly direction to a point of intersection with Kabrich Street; thence in a southerly direction along said street to its intersection with North Main Street (U.S. Highway 460 Business); thence in a southeasterly direction along said street to its intersection with College Avenue ~~Turner Street; thence in a southwesterly direction along said avenue street to a point of departure being the northern extension of a line from the northeast corner of Monteigh Hall; thence in a southerly direction to a sidewalk on the southwest side of Shank Hall and Rashe Hall; thence in a southeasterly direction along said sidewalk to a point of intersection with Alumni Mall; thence in a northeasterly direction along said mall to its intersection with North Main Street; thence in a southeasterly direction along said street to its intersection with Jackson Street; thence in a southwesterly direction along said street to its intersection of Draper Street; thence southeasterly direction along said street to its intersection with Roanoke Street; thence in a southwesterly direction along said street to its intersection with Otey Street; thence in a southeasterly direction along said street to its intersection with Wall Street; thence in a southwesterly direction along said street to its intersection with Kent Street; thence in a southnorthwesterly direction along said street to its intersection with Washington Street SW; thence southwesterly along said street to a point of departure; thence in a northwesterly direction along a line between Virginia Tech O'Shaughnessy Hall and Johnson Hall to a point of intersection with a sidewalk, said sidewalk running between Virginia Tech Owens Hall and New Residence Hall East; thence in a northwesterly direction along said sidewalk to its intersection with Drillfield Drive; thence in a counterclockwise direction along said drive to its intersection with West Campus Drive; thence in a northwesterly direction along said drive to a point of intersection with Prices Fork Road (State Route 685); thence in a westerly direction; thence southwesterly; thence southeasterly along said road to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said highway to a point of departure; said point being the intersection of U.S. Highway 460 Bypass; a sidewalk, said sidewalk running in a southwesterly direction between Vawter Hall and Barringer Hall; thence in a southwesterly direction along said sidewalk to its intersection with a sidewalk running in a northwesterly direction between Vawter Hall and Newman Hall; thence in a northwesterly direction along said sidewalk to a sidewalk running in a southwesterly direction in front of Newman Hall to a point of departure; thence in a northwesterly direction traversing Owens Hall to a point of intersection with Drillfield Drive; thence in a counterclockwise direction along said drive to its intersection with West Campus Drive; thence in a southeasterly direction along said drive to a point of intersection with Grove Lane; thence in a southwesterly direction along said lane; thence westerly to its intersection with Duckpond Drive; thence in a northwesterly direction along said drive to a point of intersection with Plantation (EXT) Road; thence in a southwesterly direction along said road; thence in a westerly; thence southwesterly to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said~~~~

highway to a point of departure; said point being the intersection of U.S. Highway 460 Bypass and the Huckleberry Trail; thence in a southerly direction along said trail to its intersection with an unnamed trail; thence in a southeasterly direction along said unnamed trail to its intersection with another unnamed trail; thence in a southwesterly direction to its intersection with the Town of Blacksburg Corporate line; thence in a southwesterly direction along said corporate line to its intersection with Merrimac Road (State Route 657); thence in a northwesterly direction along said corporate line; thence westerly; thence northwesterly; thence in a easterly; thence northwesterly to its intersection with Prices Fork Road (State Route 685); thence in a westerly direction along said corporate line and Prices Fork Road to a point of departure with Prices Fork Road; thence in a northwesterly direction along said corporate line; thence westerly to a point of departure ~~its intersection with Walnut Spring Road (State Route 657);~~ thence in a northwesterly direction along said corporate line; thence northerly to its intersection with Toms Creek; thence in a easterly direction along said corporate line, thence northerly; thence northwesterly, thence northeasterly; thence northwesterly to its intersection with an unnamed trail; thence westerly direction along said unnamed trail; thence northwesterly to its point of intersection with Forest Service Road 708; thence northeasterly along said forest service road to a point of departure; thence traversing in a westerly direction; thence northerly along this traverse to its intersection with the northern Montgomery County boundary line, said line also being the south boundary line for Giles County; thence in a northeasterly direction along said boundary line to its intersection with Pandapas Pond Road (U.S. Highway 460), the point of beginning.

## **ELECTION DISTRICT G (2014 ~~2011~~)**

Beginning at the intersection of the U.S. Highway 460 Bypass and Town of Blacksburg Corporate Line ~~Coal Bank Hollow Road (State Route 649);~~ ~~thence in a northeasterly direction along said corporate line road to its intersection with Town of Blacksburg Corporate line;~~ thence in a southeasterly direction along said corporate line; thence easterly; thence southeasterly; thence southerly to its intersection with Bishop Road (State Route 648); thence in a southeasterly direction along said corporate line; thence southwesterly; thence northwesterly; thence southwesterly to its intersection with Happy Hollow Road (State Route 815); thence in a southeasterly direction along said road; thence southwesterly; thence southerly to its point of intersection with Harding Road (State Route 785); thence in a southwesterly direction along said road; thence northerly; thence westerly; thence southwesterly; thence westerly to its point of intersection with Harding Avenue; thence in a southwesterly direction along said avenue to its intersection with Bennett Street; thence in a southeasterly direction along said street to its intersection with Jackson Street NW; thence in a southwesterly direction along said street to its intersection with Draper Rd NW; ~~North Main Street;~~ thence in a southeasterly direction along said road to its intersection with West Roanoke Street; thence in a southwesterly direction along aid road to its intersection with Otey Street NW; thence in a northwesterly direction along said street to its intersection with College Avenue; thence in a northeasterly direction along said avenue to its intersection with North Main Street (U.S. Highway 460 Business); thence northerly along said street to its point of intersection with Kabrich Street; thence in a westerly direction along said street; thence northwesterly to its intersection with Winston Avenue; thence in a southwesterly direction to a point of departure; thence in a northwesterly direction; thence southwesterly to a point of intersection with Edge Way; thence in a southwesterly direction to its intersection with Toms Creek Road; thence in a northwesterly direction along said street to its intersection with Alumni Mall; then southwesterly along said mall to a point of departure; thence

~~in a northwesterly direction to its point of intersection near the southwest corner of Rashe Hall; thence in a northerly direction to its intersection with Turner Street; thence in a southeasterly direction along said street; thence northeasterly to its intersection with North Main Street; thence in a northwesterly direction along said street to its intersection with Winston Avenue; thence in a southwesterly direction along said avenue to its intersection with Toms Creek Road; thence in a northwesterly direction along said road to its intersection with U.S. Highway 460 Bypass; thence northeasterly along said highway to its intersection with Town of Blacksburg Corporate Line, Coal Bank Hollow Road (State Route 649); the point of beginning.~~

#### **VOTING PRECINCT A-2 (2014 2011)**

Beginning at the intersection of Harding Avenue and the Town of Blacksburg corporate line; thence in a southeasterly direction along said corporate line; thence southwesterly; thence southerly to a point of intersection with Clay Street (State Route 694) ~~departure; thence in a~~ easterly direction to its intersection with an unnamed stream; thence in a northwesterly direction along said unnamed stream to a point of departure; thence in a southwesterly direction along said corporate boundary line; thence southeasterly; thence southerly ~~unnamed stream~~ to its intersection with Graves Avenue; thence in a southwesterly direction along said avenue to its intersection with South Main Street (U.S. Highway 460 Business); thence in a southeasterly direction along said street to its intersection with Airport Road; thence in a southwesterly direction along said road; thence southerly to its intersection with South Gate Drive; thence in a westerly direction along said road to its intersection with Spring Road Street; thence in a northerly direction along said ~~road street~~ to its intersection with Washington Street SW; thence in a northeasterly direction along said street to its intersection with Kent Street; ~~a point of departure;~~ thence in a northwesterly ~~—said line traversing between O'Shaughnessy, Johnson, and Newman Halls (Virginia Tech buildings) to its intersection with sidewalk, said sidewalk running along the~~ northeasterly portion of Newman Hall; thence in a northeasterly direction along said sidewalk to its intersection with a sidewalk, said sidewalk running along the southeasterly portion of Vewter Hall (Virginia Tech building); thence in a southeasterly direction along said sidewalk to its intersection with a sidewalk, said sidewalk with running between Vawter Hall and Barringer Hall; thence in a northeasterly direction along said sidewalk to its intersection with Kent Street; thence in a southeasterly direction along said street to its intersection with Wall Street; thence in a northeasterly direction along said street to its intersection with Otey Street; thence in a northwesterly direction along said street to its intersection with West Roanoke Street; thence in a northeasterly direction along said street to its intersection with Draper Road; thence in a northwesterly direction along said road to its intersection with Jackson Street NW; thence in a northeasterly direction along said street to its intersection with Bennett Street; thence in a northwesterly direction along said street to its intersection with Harding Avenue; thence in a northeasterly direction along said avenue to its intersection with the Town of Blacksburg Corporate line; the point of beginning.

Polling Place: Blacksburg Branch Library  
Montgomery/Floyd Regional Library  
200 Miller Street  
Blacksburg, VA

#### **VOTING PRECINCT A-3 (2014 2011)**

Beginning at the intersection of Research Center Drive ~~Tech Center Drive~~ with South Gate Drive; thence in an easterly direction with South Gate Drive to its intersection with Airport Road; thence in a northerly direction along said road; thence northeasterly to its intersection with

South Main Street (U.S. Highway 460 Business); thence in a northwesterly direction along said street to its intersection with Graves Avenue; thence in a northeasterly direction along said avenue to its intersection with Town of Blacksburg Corporate Line; thence northeasterly along said corporate line to a point of departure; thence in a northeasterly westerly direction along a line to its intersection with a unnamed stream; thence in a northeasterly direction along said unnamed stream; thence southeasterly; thence southerly to its intersection with a unnamed trail; thence in a southwesterly direction along said unnamed trail; thence easterly to its intersection with an unnamed stream; thence in a easterly direction along said unnamed stream; thence southeasterly to its intersection with Lusters Gate Road (State Route 723); thence in a southwesterly direction along said road to its intersection with a unnamed road; thence in a southeasterly direction along said unnamed road; thence southeasterly to its intersection with a unnamed stream; thence in a southeasterly direction along said unnamed stream; thence northeasterly; thence easterly to a point of departure; thence in a southeasterly direction to its intersection with an unnamed trail; thence in a easterly direction along said unnamed trail; thence northeasterly; thence south southeasterly; thence southwesterly to its intersection with Taylor Hollow Road (State Route 712); thence in a southwesterly direction along said road to its intersection with Lusters Gate Road (State Route 723); thence in a southwesterly direction along said road to its intersection with Ellett Road (State Route 723); thence southwesterly along said road to its intersection with Jennelle Road (State Route 603); thence in a northwesterly direction along said road; thence southwesterly thence to its intersection with Cedar Run Road (State Route 603); thence in a northwesterly direction along said road to a point of departure; thence southwesterly to its intersection with the Town of Blacksburg Corporate Line; thence southwesterly along said corporate line; thence southeasterly; thence southwesterly; thence northwesterly; thence southwesterly along said corporate line to its intersection with Brumfield Road (a private road); thence southwesterly along said corporate line to its intersection with Jennelle Road (State Route 642); thence westerly along said corporate line to its intersection with Yellow Sulphur Road (State Route 643); thence northwesterly along said corporate line to a point of departure; thence northeasterly along said corporate line; thence westerly along said corporate line; thence southerly along said corporate line to its intersection with Yellow Sulphur Road; thence northwesterly along said road to its intersection with South Main Street (U.S. Highway 460 Business); thence northeasterly along said street to a point of departure, said point being a southeasterly extension of Virginia Tech-Montgomery Executive Airport Runway 30; thence northwesterly along said runway extension line to a point of departure; thence in a southwesterly along a line to its intersection with Research Center Drive (a town of Blacksburg drive); thence northwesterly along said drive to its intersection with Southgate Drive its intersection with Ellett Road; thence in a northerly direction along said road to its intersection with Hubbard Street; thence in a northwesterly direction along said street; then southwesterly to its intersection with Airport Road; thence in a northwesterly direction along said road to its intersection with; Country Club Drive; thence in a westerly direction along said drive to its intersection with an unnamed trail; thence in a northeasterly southwesterly direction along said unnamed trail to its intersection with a Town of Blacksburg exercise path, also known as the Huckleberry Trail; thence in a southwesterly direction to its intersection with an unnamed stream, thence north westerly along said trail to its intersection with Tech Center Drive; thence in a northwesterly direction along said drive to its intersection with Southgate Drive, the point of beginning.

Polling Place: Margaret Beeks Elementary School  
709 Airport Road  
Blacksburg, VA

### **VOTING PRECINCT E-1 (2014 2011)**

Beginning at the intersection of the Huckleberry Trail and U.S. Highway 460 Bypass; thence in a northeasterly direction along said trail to its intersection with an unnamed road; thence in a northerly direction along said unnamed road to its intersection with Dairy Road (a Virginia Tech Dairy Science road); thence southeasterly along said road; thence northwesterly along said road to its intersection with Southgate Drive; thence northeasterly along said drive to its intersection with Research Center Drive; thence southeasterly along said drive to a point of departure; thence northeasterly along a line to its intersection with the Virginia Tech-Montgomery Executive Airport Runway 30; thence southeasterly along said runway; thence southeasterly along an extension line of Virginia Tech-Montgomery Executive Airport Runway 30 to its intersection with South Main Street (U.S. Highway 460 Business); thence southwesterly along said street to its intersection with Yellow Sulphur Road; thence in an southeasterly direction along said road to its intersection with the Town of Blacksburg Corporate Line; thence in a southwesterly direction along said corporate line to its intersection with South Main Street (U.S. Highway 460 Business); ~~southeasterly direction along said highway bypass its intersection with South Main Street (U.S. Highway 460)~~; thence in a southwesterly direction along said street to its intersection with Town of Christiansburg Corporate line; thence in a northwesterly direction along said corporate line to its intersection with Virginian Drive NW; ~~thence in a northwesterly direction along said drive to its intersection with Norfolk Southern Railroad~~; ~~thence in a northwesterly direction along said railroad~~; ~~thence southwesterly to its intersection with Town of Christiansburg Corporate line~~; thence in a southerly direction along said corporate line to its intersection with Peppers Ferry Road (State Route 114); thence in a northwesterly direction along said road; thence westerly to its intersection with Prices Fork Road (State Route 685); thence in a northerly direction along said road; thence northeasterly to the Town of Blacksburg Corporate line; thence in a easterly direction along said corporate line; thence southerly; thence westerly; thence southeasterly; thence easterly to its intersection with a unnamed trail; thence in a northeasterly direction along said unnamed trail; thence northwesterly to its intersection with the Huckleberry Trail; thence in a northeasterly direction along said trail to its intersection with U.S. Highway 460 Bypass, the point of beginning.

Polling Place: St. Michael's Lutheran Church  
2308 Merrimac Road  
Blacksburg, VA

### **VOTING PRECINCT E-3 (2014 2011)**

Beginning at the intersection of Prices Fork Road (State Route 412) and West Campus Drive; thence in a southeasterly direction along said drive to its intersection with and Drillfield Drive; thence in a northeasterly and southwesterly direction along said Drillfield Drive to a sidewalk that bisects Virginia Tech War Memorial Hall and Eggleston Hall; thence in a southeasterly direction along said sidewalk to another sidewalk that bisects Virginia Tech Owens Hall and Newman Hall and a point of departure; thence in a southwesterly direction along a line that point of departure; ~~thence in a southeasterly direction with a line that crosses Eggleston Hall, Owens Hall and bisects the area between Virginia Tech O'Shaughnessy Hall and Johnson Hall~~ to its intersection with Washington Street SW; thence southwesterly along said street to its intersection with Spring Street; thence in a southerly direction along said street to its intersection with Southgate Drive; ~~Tech Center Drive~~; thence in a southwesterlyeasterly direction along said drive to its intersection with Dairy Road (a Virginia Tech Dairy Science road); thence southeasterly direction along said road to its intersection with an unnamed road; thence in a northwesterly direction along said unnamed road; thence southerly along said unnamed road to its

~~intersection with the Huckleberry Trail; thence in a westerly easterly direction along said trail to its intersection with U.S. Highway 460 Bypass; thence northwesterly along said highway to its intersection with Prices Fork Road (State Route 412); thence in a northeasterly and southeasterly direction along said road to its intersection with West Campus Drive; then southeasterly, thence northeasterly to its intersection with an unnamed trail; thence southeasterly; thence northeasterly to its intersection with Country Club Drive; thence in a northeasterly direction along said drive to its intersection with Airport Road; thence in a southeasterly direction along said road to its intersection with Hubbard Street; thence in a northeasterly direction along said street to its intersection with Ellett Road; thence in a southerly direction along said road; thence southeasterly to its intersection with Cedar Run Road (State Route 603) and the Town of Blacksburg Corporate line; Thence in a southeasterly direction along said road with the corporate line to a point of departure with said road; thence in a southerly direction along said corporate line; thence southwesterly; thence southeasterly; thence southerly; thence southwesterly to its intersection with Yellow Sulphur Road (State Route 643); thence in a northwesterly direction along said corporate line with Yellow Sulphur Road to a point of departure with Yellow Sulphur Road (State Route 643); thence in a northerly direction along said corporate line; thence westerly; thence southerly to its intersection with Yellow Sulphur Road (State Route 643); thence in a northwesterly direction along said road to its intersection with South Main Street; thence in a northeasterly direction along said street to its intersection with U.S. Highway 460 Bypass; thence in a northwesterly direction along said highway bypass to its intersection with Plantation Road Extension; thence northeasterly along said road extension; thence southeasterly; thence northeasterly to its intersection with Duckpond Drive; thence in a southerly direction along said drive to its intersection with Grove Lane; thence in a easterly direction along said lane; thence northeasterly to its intersection with West Campus Drive; thence in a northwesterly direction along said drive to its intersection with Drillfield Drive, the point of beginning.~~

Polling Place: ~~Virginia Tech Montgomery~~  
~~Executive Airport~~  
~~1601 Tech Center Drive~~  
~~Blacksburg, Virginia 24060~~

Squires Student Center  
290 College Avenue  
Blacksburg, Virginia 24061

#### **VOTING PRECINCT F-1 (2014 2011)**

~~Beginning at the intersection of Pandapas Pond Road (U.S. Route 460), Forest Service Road 188-2 on the top of Brush Mountain, and the northern Montgomery County boundary line, said line also being the south Giles County boundary line; thence in a southeasterly direction with Pandapas Pond Road (U.S. Route 460) to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said highway bypass; thence in a southwesterly direction to its intersection with Toms Creek Road; thence in a southerly direction along said road to its intersection with Edge Way; thence in a northeasterly direction along said way to a point of departure; thence in a northeasterly direction to its intersection with Winston Avenue; thence in a northeasterly direction along said avenue to its intersection with Kabrich Street; thence in a southerly direction along said street to its intersection with North Main Street (U.S. Highway 460 Business); thence in a southerly direction along said street to its intersection with Turner Street; thence in a southwesterly direction along said street; thence in a northwesterly direction to its intersection with Prices Fork Road (State Route 412); a sidewalk between Thomas Hall and Monteith Hall; thence in a southwesterly direction to an intersecting sidewalk in front of Thomas Hall; thence in a southwesterly direction with the sidewalk between Shanks Hall and Monteith Hall to the intersection with Alumni Mall; thence in a northeasterly direction along said mall to its intersection with North Main Street; thence in a southeasterly direction along said street to its~~



~~intersection with Jackson Street; thence in a southwesterly direction along said street to its intersection with Draper Road; thence in a southeasterly direction along said street to its intersection with Roanoke Street; thence in a southwesterly direction along said street to its intersection with Otey Street; thence in a southeasterly direction along said street to its intersection with Wall Street; thence in a southwesterly direction along said street to its intersection with Kent Street; thence in a northwesterly direction along said street to a sidewalk, said sidewalk running between Vawter Hall and Barringer Hall; thence southwesterly along said sidewalk to a sidewalk, said sidewalk running southwesterly in front of Newman Hall to a point of departure; thence in a northwesterly direction with a line that crosses Owens Hall and Eggleston Hall to its intersection with Drillfield Drive; thence in a northerly direction along said drive; thence northwesterly; thence southwesterly to its intersection with West campus Drive; thence in a northwesterly direction along said rive to its intersection with Prices Fork Road; thence in a northwesterly direction along said road; thence southwesterly direction along said road to its intersection with U.S. Highway 460 Bypass; thence in a northerly direction along said highway bypass; thence northeasterly to its intersection with Glade Road; thence in a westerly direction along said road; thence southwesterly ~~northwesterly~~ to a point of departure; thence in a northwesterly direction to its intersection with the Town of Blacksburg Corporate line; thence in a northwesterly direction along said corporate line; thence northerly; thence northeasterly; thence northwesterly along said corporate line to its intersection with an unnamed trail; thence in a westerly along said unnamed trail; thence northwesterly to its point of intersection with Forest Service Road 708; thence northeasterly along said forest service road to a point of departure; thence traversing in a westerly direction; thence northerly along this traverse to its intersection with the northern Montgomery County boundary line, said line also being the south boundary line for Giles County; thence in a northeasterly direction along said boundary line to its intersection with Pandapas Pond Road (U.S. Highway 460), the point of beginning.~~

Polling Place: Luther Memorial Lutheran Church  
600 Prices Fork Road  
Blacksburg, VA

#### **VOTING PRECINCT F-2 (2014 2011)**

Beginning at the intersection of Glade Road and U.S. Highway 460 Bypass; thence in a southwesterly direction along said highway bypass to its intersection with ~~Prices Fork Road; then in a northeasterly direction along said road; thence easterly to its intersection with West Campus Drive; thence in a southeasterly direction along said drive to its intersection with Grove Lane; then in a southwesterly direction; thence westerly to its intersection with Duckpond Drive; thence in a northwesterly direction along said drive to its intersection with Plantation Road Extension; thence in a southwesterly direction along said road extension; thence northwesterly; thence southwesterly to its intersection with U.S. Highway 460 Bypass; thence in a southeasterly direction along said highway bypass to its intersection with the Huckleberry Trail; thence in a westerly direction to its intersection with an unnamed trail; thence in a southerly direction along said trail; thence southeasterly to its intersection with another unnamed trail; thence in a southwesterly direction to its intersection with the Town of Blacksburg Corporate line; thence in a southwesterly direction along said corporate line to its intersection with Merrimac Road (State Route 657); thence in a northwesterly direction along said corporate line; thence westerly; thence northwesterly; thence in a easterly; thence northwesterly to its intersection with Prices Fork Road (State Route 685); thence in a westerly direction along said corporate line and Prices Fork Road to a point of departure with Prices Fork Road; thence in a northwesterly direction along said corporate line; thence westerly to its intersection with Walnut Spring Road (State Route 657);~~

thence in a northerly direction along said corporate line to its intersection with Toms Creek; thence in a easterly direction along said corporate line, thence northerly; thence northwesterly, thence northeasterly; thence northwesterly to its intersection with Glade Road (State Road 655); thence in a northeasterly direction along said road; thence easterly; thence southeasterly to its intersection with U.S. Highway 460 Bypass, the point of beginning.

Polling Place                      Kipps Elementary School  
    2801 Prices Fork Road  
    Blacksburg, VA

### **VOTING PRECINCT F-3 (2014)**

Beginning at the intersection of West Campus Drive and Prices Fork Road; thence in a northeasterly direction along said road to its intersection with Turner Street NW; thence in a southeasterly direction along said street; thence in a northeasterly direction along said street to its intersection with North Main Street (U.S. Highway 460 Business); then in a southeasterly direction along said street to its intersection with College Avenue; thence in a southwesterly direction along said avenue to its intersection with Otey Street NW; thence in a southeasterly direction along said street to its intersection with Wall Street; thence in a southwesterly direction along said street to its intersection with Kent Street; thence in a southeasterly direction along said street to its intersection with Washington St SW; thence in a southwesterly direction along said street to a point of departure; thence in a northwesterly direction along a line that bisects Virginia Tech O'Shaughnessy Hall and Johnson Hall to its intersection with a sidewalk that bisects Virginia Tech New Residence Hall East and Owens Hall and War Memorial Hall and Eggleston Hall; thence northwesterly along said sidewalk to its intersection with Drillfield Drive; thence in a northeasterly direction along said drive; thence northerly; thence southwesterly along said drive to its intersection with West Campus Drive; thence in a northwesterly direction along said drive to Prices Fork Road, the point of beginning.

Polling Place:                      Squires Student Center  
    290 College Avenue  
    Blacksburg, Virginia 24061

### **VOTING PRECINCT G-1 (2014 ~~2011~~)**

Beginning at the intersection of the Blacksburg Corporate Line and the U.S. Highway 460 Bypass; thence in a northeasterly direction along said ~~c~~Corporate line; thence in a southeasterly direction along said corporate line; thence easterly; thence southeasterly; thence southerly to its intersection with Bishop Road (State Route 648); thence in a southeasterly direction along said corporate line; thence southwesterly; thence northwesterly; thence southwesterly to its intersection with Happy Hollow Road (State Route 815); thence in a southeasterly direction along said road; thence southwesterly; thence southerly to its point of intersection with Harding Road (State Route 785); thence in a southwesterly direction along said road; thence northerly; thence westerly; thence southwesterly; thence westerly to its point of intersection with Harding Avenue; thence in a southwesterly direction along said avenue to its intersection with Bennett Street; thence in a southeasterly direction along said street to its intersection with Jackson Street NW; thence in a southwesterly direction along said street to its intersection with Draper Road NW ~~North Main Street~~; thence in a ~~southeasterly northwesterly~~ direction along said street to its intersection with West Roanoke Street ~~Alumni Mall~~; thence in a southwesterly direction along said ~~street mall~~ to a point of departure; thence in a ~~northwesterly direction to it point of its~~ intersection with Otey Street NW; thence in a northwesterly direction along said street to its

~~intersection with College Avenue; near the southwest corner of Rashe Hall; thence in a northerly direction to its intersection with Turner Street; thence in a southeasterly direction along said street;~~ thence northeasterly along said avenue to its intersection with North Main Street (U.S. Highway 460 Business); thence in a northwesterly direction along said street; thence northeasterly; thence northerly to its intersection with Givens Lane; thence in a southwesterly direction along said lane to a point of departure; thence in a northwesterly direction to its intersection with U.S. Highway 460 Bypass; thence in a northeasterly direction along said highway bypass; thence northwesterly to the Blacksburg Corporate Line Coal Bank Hollow Road (~~State route 649~~), the point of beginning.

Polling Place: Blacksburg Community Center  
725 Patrick Henry Drive  
Blacksburg, VA

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
M. Todd King	None	Christopher A. Tuck
Mary W. Biggs		
Matthew R. Gabriele		
Gary D. Creed		
Annette S. Perkins		
William H. Brown		

### **BOARD MEMBERS' REPORTS**

Supervisor Gabriele has taken on a new position (supplemental) for three years, as a resident faculty principal and living on campus, which is out of his voting district. The County Attorney got an opinion from the Attorney General, and the Attorney General's opinion was that Supervisor Gabriele is keeping his permanent home in District G while he resides for three years in District E so this is a temporary relocation due to his work. Supervisor Gabriele wanted to make the Board aware of the situation.

Supervisor King asked all the Board members to get a copy of the Parks and Recreation activities book and pick out one activity to participate in, and see how hard the Parks and Recreation employees work. He thanked the Parks and Recreation Commission for welcoming him as a new liaison member on their board. Mitchell Haugh, Director of Parks and Recreation, has done a wonderful job with the pool this year, has worked very hard, and Supervisor King wanted to say publicly that he appreciates what he does.

Supervisor Biggs expressed her condolences to the family of Joel Donahue, who recently passed away. Mr. Donahue had served on the Planning Commission.

## **ADJOURNMENT**

The Chair declared the meeting adjourned to Monday, June 23, 2014 at 6:30 p.m. The meeting adjourned at 8:30 p.m.

APPROVED	_____	ATTEST:	_____
	William H. Brown		F. Craig Meadows
	Chair		County Administrator